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Congress of the United States

House of Representatives

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March 29, 2000

The Honorable Royce C. Lamberth
United States District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, D.C. 20001

RE: Affidavit Filed by Daniel A. Barry

Dear Judge Lamberth:

The White House and Department of Justice attorneys representing the White House failed to inform the Committee on Government Reform that a large universe of documents had never been searched to determine responsiveness to Committee subpoenas. Although the Counsel to the President and various White House spokesmen have sought to downplay this problem, I have commenced an investigation to determine whether the White House and the Justice Department have either broken laws, or behaved in a manner contrary to the interests of justice. I have also called on the Attorney General to appoint a Special Counsel to investigate this matter.

In the course of the Committee's investigation, it has come to my attention that false representations may have been made to your court in the *Alexander* case. Specifically, Mr. Daniel Barry stated in an affidavit dated July 9, 1999: "Since July 14, 1994, e-mail within the EOP system administered by the Office of Administration has been archived in the EOP Automated Records Management System (ARMS)." This statement is false and intentionally deceptive. Mr. Barry was aware as early as July of 1998 that a large universe of e-mails had not been archived in the ARMS system. Consequently, tomorrow I will submit a criminal referral regarding this false statement, signed by him and "made under penalty of perjury," to the Justice Department.

I bring this to your attention because the affidavit was filed in your court. In addition, my staff has been told that it was prepared by Department of Justice lawyers who appear regularly in your court. I am concerned that the lawyers who assisted Mr. Barry in the preparation of his affidavit, and who counseled him at the time the affidavit was signed, were aware that the information was misleading. I am also concerned that lawyers in the White House Counsel's office were also involved in this deception. In

short, it may well be that Justice Department and White House attorneys were involved in a conspiracy to commit a fraud upon your court.

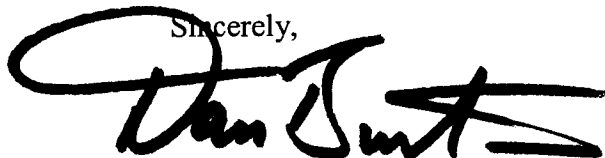
Recent representations that the Justice Department has commenced an investigation of possible obstruction of justice are deeply troubling to me. This is the same Justice Department, under the same supervision, that has been involved in the alleged improper conduct. This is the same Justice Department that took no steps to determine whether reports about the e-mail problem were true. Attorney General Reno's subordinates failed to pursue this matter until Committee staff began to ask witnesses whether they had ever been contacted by Justice Department investigators. While your Honor may ultimately decide to investigate allegations of criminal contempt or perjury, I respectfully wish to remind you that this Committee has a strong interest in the underlying substance of matters that are now before you.

Recent efforts by the Attorney General to control this investigation appear to be nothing more than a ploy to retain control over matters that will ultimately focus on how the Justice Department helped the White House in its efforts to refrain from producing documents to Congress and various Independent Counsels. Furthermore, the Campaign Financing Task Force has a vested interest in not being thorough or vigorous in this investigation, as has been the case for over two years. It would be a significant embarrassment to the Justice Department if the public learned that some of Attorney General Reno's lawyers were working to keep information from other Justice Department lawyers. It would also be a significant embarrassment if those who were denied information had been less than vigorous in pursuing documents from the White House.

I offer my concerns that the Justice Department Campaign Financing Task Force should not be permitted to take actions that would serve to delay or cover up the matters now before your court and under investigation by this Committee. I also share my concern that the Campaign Financing Task Force is unable to investigate its supervisors and colleagues at the Department of Justice.

Two years ago, Task Force Chief Charles La Bella and Federal Bureau of Investigation Director Louis Freeh explained in meticulous detail that the Justice Department was giving unfair advantage to high level political appointees. I respectfully request that you not permit the Task Force to take any actions that contribute to this unacceptable pattern of conduct.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Burton". The signature is stylized with a large, looping initial "D" and a horizontal line extending from the end.

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member
Louis Freeh, Director of the Federal Bureau of Investigation

Independent Counsel Robert Ray
Independent Counsel Ralph Lancaster
Independent Counsel Donald Smaltz
Independent Counsel David Barrett
Independent Counsel Carol Elder Bruce
Independent Counsel Curtis Von Kann
Senator John Danforth